

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Elias Bjarnason et al.)
Application Serial No.: To Be Assigned) Examiner: To Be Assigned
Filing Date: To Be Assigned) Group Art Unit: To Be Assigned
For: Method and Apparatus For Training)
Linear Equalizers In A PCM Modem)
A Reissue of: U.S. Patent No. 5,914,982,)
Issued June 22, 1999.)
_____)

**REISSUE APPLICATION DECLARATION BY INVENTORS
AND POWER OF ATTORNEY**

Assistant Commissioner for Patents
Box REISSUE
Washington, DC 20231

Dear Sir:

As the below named joint inventors, we hereby declare that:

1. Our residence, post office addresses and citizenships are as stated below next to our name, we believe we are the original, first and joint inventors of the subject matter that is described and claimed in letters patent number 5,914,982, granted on June 22, 1999, and for which invention we solicit a reissue patent on the invention entitled METHOD AND APPARATUS FOR TRAINING LINEAR EQUALIZERS IN A PCM MODEM the specification of which is attached hereto.
2. We do not know and do not believe that the claimed invention was ever known or used in the United States of America before our invention thereof.

3. A copy of the reissue application is attached hereto. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

4. We acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

**STATEMENT OF INOPERATIVENESS
OF ORIGINAL PATENT**

5. We believe the original patent to be partly invalid or inoperative by reason of the patentee claiming less than the patentee had a right to claim in the patent. In particular, some of the limitations of the independent claims of the original patent are not necessary in view of the prior art of which we are aware. In particular, we believe that:

(1) Claim 4 of the Original Patent was too narrow in that it claims a method that includes transmitting and receiving functions within the claim whereas the novel method applies to either transmitting or receiving functions, separately. Thus, new claims 12-13 and 16-17 are directed to the novel method for performing the transmitting functions disclosed in the specification. Additionally, new claims 14-15 and 18-19 are directed to the novel method for performing the receiving functions disclosed in the specification.

(2) Claim 5 of the Original Patent claimed the systems disclosed in the specification as a means plus function claim. Thus, new claims 24-27 and 28-29, are non-means plus function apparatus claims directed to such systems.

(3) Similar to Claim 4, Claim 10 of the Original Patent was too narrow in that it also claims a method for transmitting and receiving functions within the claim whereas the novel method applies to either transmitting or receiving functions, separately. Thus, new claims 20-21 and 23 are directed to the novel method for performing the receiving functions disclosed in the specification.

6. The foregoing errors, which are being corrected, up to the time of the filing of this reissue declaration were made unintentionally and with no intention to deceive or mislead the United States Patent and Trademark Office and, thus, arose without any deceptive intention on the part of the applicants.

7. A corroborating declaration of Conexant Systems', current patent attorney accompany this declaration and set forth how this error occurred and when it was identified.

POWER OF ATTORNEY

We hereby appoint the following practitioners to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

<u>Attorney</u>	<u>Registration No.</u>	<u>Attorney</u>	<u>Registration No.</u>
Jordan A. Sigale	39,028	Michael A. Molano	39,777
Michael L. Kiklis	38,939	Lana M. Knedlik	42,748
Marina N. Saito	42,121	Shashank S. Upadhye	N/A - limited authority
Jennifer H. Hammond	41,814		
John F. Griffith	44,137	Terrence M. Brennan	42,360
Marc E. Hankin	38,908	Jeffrey F. Craft	30,044
Francisco A. Rubio-Campos	45,358	Mark H. Krietzman	41,128
Matthew M. Catlett	44,067	Vincent Tassinari	42,179
Thomas J. Burton	47,464	Daniel N. Yannuzzi	36,727
Alison P. Schwartz	43,863	Semion Talpalatsky	35,380
Janelle D. Strode	34,738	James K. Dawson	41,701
Brian J. Gill	46,727	Kelly H. Hale	36,542
Christopher P. Rauch	45,034	Robert P. Hart	35,184
Kevin W. Guynn	29,927	Keith Kind	42,735
David R. Metzger	32,919	Joseph H. Lee	37,664
Gregory B. Gulliver	44,138	Stephen Warhola	43,237

SEND CORRESPONDENCE TO:

Francisco Rubio-Campos, Esq.
SONNENSCHEIN NATH & ROSENTHAL
601 S. Figueroa Street, Suite 1500
Los Angeles, CA 90017

DIRECT TELEPHONE CALLS TO:
Francisco Rubio-Campos
(213) 892-5084

PATENT
SNR Docket No.: 09785980-0095
97RSS022

DECLARATION

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Elias Bjarnason
Inventor's signature: Elias Bjarnason
Date: _____ Country of Citizenship: Iceland
Residence: Reykjavik, Iceland
Post Office Address: Baughus 19, 112 Reykjavik, Iceland

PATENT
SNR Docket No.: 09785980-0095
97RSS022

Full name of second joint inventor: Olafur Jonsson

Inventor's signature: Olafur Jonsson

Date: 4th May 2001 Country of Citizenship: Iceland

Residence: Reykjavik, Iceland

Post Office Address: Fannafold 170A, 112 Reykjavik, Iceland

05985980-0095
97RSS022

PATENT
SNR Docket No.: 09785980-0095
97RSS022

Full name of third joint inventor: Sverrir Olafsson

Inventor's signature: 

Date: May 4 2001 Country of Citizenship: Iceland

Residence: Reykjavik, Iceland

Post Office Address: Thingholtsstræti 14, 101 Reykjavik, Iceland

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Assistant Commissioner for Patents
Box REISSUE
Washington, D.C. 20231

**REISSUE APPLICATION BY ASSIGNEE
OFFER TO SURRENDER U.S. PATENT NO. 5,914,982
PURSUIT TO 37 C.F.R. § 1.178**

Sir:

The assignee of record, Conexant Systems, Inc., makes this statement as part of the accompanying reissue application for the reissue of letters patent number 5,914,982, for an improvement "Method and Apparatus For Training Linear Equalizers In A PCM Modem" granted on June 22, 1999, to Elias Bjarnason et al. and declares that Conexant Systems, Inc., is now owner by assignment of the entire interest in said original patent and hereby offers to surrender U.S. Patent No. 5,914,982 effective upon the issuance of the instant reissue application. The original U.S. Letters Patent is attached hereto.

PATENT
SNR Docket No.: 09785980-0095
97RSS022

Respectfully submitted,
On Behalf of The Assignee



Francisco A. Rubio-Campos
Reg. No. 45,358
SONNENSCHEIN NATH & ROSENTHAL
601 S. Figueroa Street, Suite 1500
Los Angeles, CA 90017
Tel: (213) 892-5084
Fax: (213) 623-9924
Attorney for Applicants and Assignee

TM1150-T0501n60

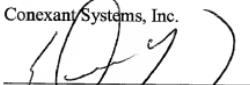
PATENT
SNR Docket No.: 09785980-0095
97RSS022

STATEMENT BY ASSIGNEE

Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

Date: 5/4/01

Conexant Systems, Inc.



Daniel N. Yannuzzi
Vice President, Chief IP Counsel
Conexant Systems, Inc.

ASSIGNMENT OF INVENTION

WHEREAS, Elias Bjarnason, Olafur Jonsson, and Sverrir Olafsson hereinafter sometimes referred to as "said inventors," have invented certain new and useful improvements in **METHOD AND APPARATUS FOR TRAINING LINEAR EQUALIZERS IN A PCM MODEM** which invention or inventions (hereinafter referred to as "invention") have been disclosed to and filed, under Docket No. **97RSS022**, in the patent files of their employer, ROCKWELL SEMICONDUCTOR SYSTEMS, INC., 4311 Jamboree Road, Newport Beach, CA 92660-3095 and which invention will be covered by a patent application, the serial number and filing date of which they hereby authorize their attorney to insert here: (Serial No. 08/874,316 Filed 6/13/97) when known: and

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said inventors have sold, assigned and transferred and by these presents do sell, assign and transfer unto ROCKWELL SEMICONDUCTOR SYSTEMS, INC., the entire right, title and interest in and to said invention and in and to said application and in and to all Letters Patent to be obtained for said invention by the above application or any continuation, continuation-in-part, division, renewal, or substitute thereof, or any reissue or re-examination thereof, for the territory of the United States of America and for all foreign countries; said invention and application to be held and enjoyed by the said ROCKWELL SEMICONDUCTOR SYSTEMS, INC., for its own use and benefit and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent on same will be granted, as fully and entirely as the same would have been held by said inventors had this Assignment and sale not been made.

FURTHER, said inventors agree to sign all lawful papers necessary or helpful in obtaining a patent on said invention or in filing any divisional, continuation, continuation-in-part, substitution, or reissue application on said invention or in obtaining any re-examination thereof.

Executed at Reykjavik

this 17 day of Nov. 1997

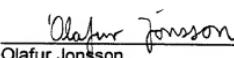
First Inventor


Elias Bjarnason

Executed at Reykjavik

this 17 day of Nov. 1997

Second Inventor


Olafur Jonsson

Executed at Reykjavik

this 17 day of Nov. 1997

Third Inventor


Sverrir Olafsson

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**ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION
PURSUIT TO 37 C.F.R. § 1.172(a)
AND POWER OF ATTORNEY**

Assistant Commissioner for Patents,
Box REISSUE
Washington, D.C. 20231

Sir:

Conexant Systems, Inc., a corporation of the State of Delaware, having a principal place of business at 4311 Jamboree Road, Newport Beach, California 92660-3095, USA, assignee of the entire interest in United States Patent No. 5,914,982, granted on June 22, 1999, by virtue of an Assignment, hereby assents to the accompanying application for reissue. The Assignee further submits a Certificate Pursuant to 37 C.F.R. §3.73(b) herewith to establish title.

POWER OF ATTORNEY

As an official of the Assignee of complete interest for the above-identified application for reissue of U.S. Patent No. 5,914,982, I hereby revoke all Powers of Attorney previously given and I hereby appoint the following attorneys and/or agents to prosecute and transact all business in the Patent and Trademark Office connected herewith:

<u>Attorney</u>	<u>Registration No.</u>	<u>Attorney</u>	<u>Registration No.</u>
Jordan A. Sigale	39,028	Michael A. Molano	39,777
Michael L. Kiklis	38,939	Lana M. Knedlik	42,748
Marina N. Saito	42,121	Shashank S. Upadhye	N/A – limited authority
Jennifer H. Hammond	41,814	Terrence M. Brennan	42,360
John F. Griffith	44,137	Jeffrey F. Craft	30,044
Marc E. Hankin	38,908	Mark H. Krietzman	41,128
Francisco A. Rubio-Campos	45,358	Vincent Tassinari	42,179
Matthew M. Catlett	44,067	Daniel N. Yannuzzi	36,727
Thomas J. Burton	47,464	Semion Talpalatsky	35,380
Alison P. Schwartz	43,863	James K. Dawson	41,701
Janelle D. Strode	34,738	Kelly H. Hale	36,542
Brian J. Gill	46,727	Robert P. Hart	35,184
Christopher P. Rauch	45,034	Keith Kind	42,735
Kevin W. Guynn	29,927	Joseph H. Lee	37,664
David R. Metzger	32,919	Stephen Warhola	43,237
Gregory B. Gulliver	44,138		

Respectfully submitted,

Conexant Systems, Inc.

By:


Daniel N. Yannuzzi
Vice President, Chief IP Counsel
Conexant Systems, Inc.

5/04/04
Date

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)

DECLARATION OF FRANCISCO A. RUBIO-CAMPOS

Assistant Commissioner for Patents
Box REISSUE
Washington, DC 20231

Dear Sir:

I, Francisco A. Rubio-Campos, state as follows:

1. I am registered to practice before the United States Patent and Trademark Office under Registration No. 45,358.
2. I am one of the patent attorneys for the current assignee of U.S. Patent No. 5,914,982.
3. On or about November 2000, I was asked to review the '982 patent to determine its scope in view of the potential introduction of a competitive product.

4. As part of this review I obtained the prosecution history of the '982 patent and the prior art cited therein. Based on my preliminary review of the prior art I formed the opinion that the claims were likely to be found unduly narrow in view of that prior art, which is the only prior art of which the inventors, assignee and myself are currently aware.

5. Following a more detailed review of the prior art by my firm, my opinion that there were excessive limitations in the claims was confirmed. In particular, the following limitations are unnecessary for patentability in view of the prior art: (1) the methods for performing both transmitting and receiving and (2) lack of non-means plus function system claims.

6. Based upon my investigation to date, it appears that these errors arose without any deceptive intention on the part of the inventors and/or the assignee of the '982 patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements mad on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: May 4, 2001

By: 

Francisco A. Rubio-Campos
Reg. No. 45,358

20010504-10504050